

DATE: April 9, 1998

SUBJECT: BRIEFS, APPENDICES, AND HEARINGS IN CASES INVOLVING A  
PROTECTIVE ORDER

1. All materials (e.g., briefs, appendices, motions, parts of the record) that are subject to a protective order (see Fed. Cir. R. 11 and 17) shall on receipt be supplied with a pink cover stamped "Protected Material" throughout the pendency of the case in this court. Protected materials shall be returned to the clerk's office when action has been completed on the case.

2. The Senior Staff Attorney and Senior Technical Assistant shall endeavor to limit circulation of protected materials on an as needed basis.

3. The clerk shall designate persons on his or her staff authorized to process protected materials.

4. Protected materials in the clerk's office shall be stored in the vault. Entry and removal of protected materials into and out of the vault shall be recorded.

5. After the case is closed, the clerk will return any original protected materials to the trial tribunal, and will destroy extra copies not required for permanent files of the court.

6. A case involving protected materials may be heard in camera on motion or on sua sponte order of the court.

7. Oral argument in camera shall ordinarily be scheduled in a regular courtroom as the last case of a session. Before calling the case, the presiding judge shall order the courtroom cleared of all unauthorized persons. Counsel are solely responsible for persons seated at counsel table. Court employees authorized access to the protective materials, and whose duties require attendance, may remain during the hearing.

8. Tape recordings of in camera hearings shall be considered and treated as protected materials and shall have a pink label stamped "Protected Material."

9. Public or press inquiries about protected materials or in camera hearings will be referred to the clerk.

10. All court personnel shall be aware of and sensitive to the confidential nature of protected material.